

Scottish influence on the Westminster assembly:¹ A study of the synod's summoning ordinance and the Solemn League and Covenant

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I. Summoning the assembly

The Westminster assembly got off to a slow start. In fact it had five false starts and on the sixth attempt the parliamentary summoning ordinance for the synod was misprinted three times. Incredibly, the theological members of the assembly (all chosen by the Lords and Commons) were given less than a week's notice that they were to make their way to the capital. And when the synod was finally set to meet on 1 July 1643 for its opening sermon in King Henry VII's Lady chapel in Westminster Abbey, the House of Commons was unprepared for the

¹ This article was first delivered as a paper to the 10 May 2007 meeting of the Scottish Church History Society. I am thankful for the comments and questions of the members and visitors of the society and for the invitation to publish this essay in their *Records*. This study makes use of the manuscript records or minutes of the Westminster assembly. The three-volume folio of the minutes contains approximately 530,000 words and survives in Dr Williams's Library, London, the pre-eminent library for the study of Puritanism and nonconformity. It spans the years 1643 to 1652, covering the Westminster assembly's formal debates (1643-49) and the proceedings of the "rump" committee which continued to ordain ministers after the assembly had completed its major tasks (1649-52). Approximately one third of the assembly's minutes was printed in the nineteenth century. I cite the text of the assembly's manuscript minutes (Dr Williams's Library, London, MS 38.1-3) as *Minutes* by volume and folio as transcribed in C. B. Van Dixhoorn, "Reforming the Reformation: theological debate at the Westminster assembly, 1643-1652" (Ph.D. diss., University of Cambridge, 2004), vols. 3-7. I am currently preparing an 880,000 word critical text of *The minutes and papers of the Westminster assembly, 1643-1652* to be published by Oxford University Press. Emeritus Professor David F. Wright of New College, Edinburgh, is the project's founder, consulting editor, and chair of the advisory board.

size of the audience. It was forced to move the event to the nave of the abbey, and to send members there ahead of time to save seats for the House.² And yet the capstone to parliamentary incompetence was only unveiled after the opening ceremonies were completed, for the divines were asked to return a few days later: the two Houses had not yet decided what the gathering was to do.³

In the eyes of parliament, its petitioners, and the divines assembled in the abbey, a major grievance provoking the civil war which had broken out the previous year between Charles I and his English subjects was religion, specifically the designs of Archbishop William Laud, first for the Church of Scotland and then for England.⁴ The assembly was summoned by a seven-page ordinance announcing that the synod would proffer a solution to the nation's problems, producing documents on liturgy and theology that both Charles and his reform-minded subjects could accept. The mandate given to these theologians was a compound one which involved, according to the title page, "the settling of the Government and Liturgy, of the Church of England" and the "vindicating and clearing of the Doctrine of the said Church, from false aspersions and interpretations".⁵ Simultaneously, the assembly could show Edinburgh that Westminster was serious about church reform, which served as an inducement for the Scots to send an army southward

² British Library, Additional MS 31116, p. 111; *Journals of the House of Commons* (1803-), iii, 144 (hereafter *CJ*); British Library, Harleian MS 165, fo. 105r. The records refer to the "Abbey church", a reference to the nave of the Abbey and not to St Margaret's as can be seen in *Journals of the House of Lords* (1846), 8:599 (hereafter *LJ*), which mentions features in the "Abbey Church" which can only refer to the nave.

³ British Library, Harl. 165, fo. 105r-v.

⁴ For the respective involvement of Charles and Laud, see Anthony Milton, "Laud, William (1573-1645)", *Oxford Dictionary of National Biography* (Oxford, 2004) [hereafter, *Oxford DNB*].

⁵ *An ordinance of the Lords and Commons assembled in parliament. For the calling of an assembly of learned, and godly divines to be consulted with by the parliament* (London, 1643); reprinted in C. H. Firth and R. S. Rait, *Acts and ordinances of the interregnum* (London, 1911), i, 180-84.

to aid the flagging parliamentary cause. Any hope of royal approval of the synod was doomed from the start, as Charles forbade attendance. But as the assembly lumbered into action, Scottish presbyterians responded positively. In September 1643 a Solemn League and Covenant with Scotland was signed between the two nations, with Ireland added for good measure.

II. Estimates of Scottish impact: historians of the assembly and biographers

Over the last century and a quarter, the precise nature of the Scottish contribution to the assembly has been narrated differently by chroniclers of the assembly (who have gradually eroded what were high estimates of the Scottish input to the synod) and by biographers of the Scottish commissioners (who continue to maximize the involvement and importance of the Scots). A complete narrative of Scottish involvement at the Abbey is not possible here. Dust-jacket highlights of some of the key features and facts about the Scots will have to suffice.

Upon arrival, the Scots opted for non-voting participation at the assembly, supposing that full membership would have restricted their rights to treat on behalf of their church and state with the English parliament, the Committee of Both Kingdoms, the assembly, and the king.⁶ Even this limited participation found challengers initially, but assembly-members as cool to Scottish Presbyterianism as Thomas Coleman (1597/8–1646) were willing to admit that “the Scotch commissioners have authority to sit with us & conclude with us”.⁷ Unlike the scribes of the synod, the Scottish members of the assembly could join committees and speak to any question.

Throughout their time at the assembly, Alexander Henderson (c.1583–1646), and especially Samuel Rutherford (c.1600–1661) and George Gillespie (1613–1648) participated heavily in the debates.

⁶ Robert Baillie, *Letters and Journals*, 3 vols., ed. D. Laing (Edinburgh, 1841–42), ii, 110.

⁷ *Minutes*, i, 112r.

Rutherford makes the top-ten list of most frequent speakers in the Assembly's surviving minutes.⁸ And (albeit with a little home pride) Robert Baillie (1602–1662) nominated Gillespie the best spoken and best received of all the divines.⁹ Baillie himself made only one known speech at the assembly, spending most of his time listening to debates and breaking all rules about confidentiality by sending news of the assembly's doings to his friends in Scotland and Europe.¹⁰ In Scotland, and then in England, some of these men contributed first to the shaping of the text of the Solemn League and Covenant; then once in the assembly, they participated in plenary sessions and committees to help draft directories for worship, ordination and church government, and later a Confession of Faith and two catechisms.¹¹

The Scottish laymen – chiefly John Elphinstone, second Baron Balmerino (*d.* 1649), John Maitland, Viscount Maitland and duke of Lauderdale (1616–1682), and Sir Archibald Johnston, Lord Warriston (*bap.* 1611, *d.* 1663) – also stood to make speeches but, as with the English parliamentarians, usually with a message for the assembly or a request for greater urgency.¹² It appears that all Scots, clerical or lay,

⁸ In the surviving minutes the English divines dominate the list, ranging from Richard Vines with 185 speeches to Stephen Marshall with 445. Rutherford spoke approximately 190 times.

⁹ Baillie, *Letters*, ii, 129. Gillespie, whose name the scribe spells ten different ways, spoke over 150 times.

¹⁰ For rules about confidentiality, see Baillie, *Letters*, ii, 108; for his violation of the rule, *ibid.*, *passim*. It is often stated that Baillie did not speak at the assembly. See, e.g., Spear, "Covenanted Uniformity", 102; R. S. Paul, *The Assembly of the Lord: Politics and Religion in the Westminster assembly and the 'Grand Debate'* (Edinburgh, 1985), 116. But see *Minutes* iii, 298r.

¹¹ For a brief overview of the documents of the assembly see S. B. Ferguson, "Westminster assembly and Documents" in the *Dictionary of Scottish Church History and Theology* (Downers Grove, 1993).

¹² The extant minutes indicate that Lord Maitland, earl of Lauderdale delivered four papers and made eight speeches; the earl of Loudon, Chancellor of Scotland made six speeches; Sir Archibald Johnston of Warriston made seven speeches and delivered two papers; and Archibald, Marquis and then earl of Argyll delivered one

could introduce motions either privately,¹³ or in the form of prepared papers which were delivered directly to the assembly, or indirectly through the Grand Committee.¹⁴ That body drew from all three classes of members of the Westminster assembly, including Lords, members of the Commons, and prominent clergy.¹⁵ At times it was reduced to a mail service only, delivering messages from the Scots to the assembly and houses of parliament. At other times, the Scots used their membership in the committee to negotiate with parliament or to attempt to steer events in the assembly.

That is the brief, even bland version of the story. Robert Baillie's account spices up the narrative significantly. Baillie's *Letters* almost sensationalize the theologians of the Scottish Commission as a sort of elite strike-force – a four-man gang of trained specialists rushed into Westminster Abbey to rescue hapless English Presbyterians held hostage by a coalition of Independents, Erastians and moderate

paper and wrote one letter. See Van Dixhoorn, "Reforming the Reformation", 202-20; for the complete list of Scottish members of the Assembly and the years of their membership, see C. Van Dixhoorn, "Members of the Westminster assembly and Scottish commissioners (1643-1652)", *Oxford DNB*.

¹³ E.g., *Minutes* i, 205v.

¹⁴ E.g., *Minutes* i, 41r, 185r, 187v, 311v; ii, 155v, 288v; iii, 18v, 29r-v, 59v, 146v, 191r-v; Baillie, *Letters*, ii, 121. For conjectures on the role of the Grand Committee in the assembly, see Paul, *The Assembly of the Lord*, 79-80; C. A. Briggs, "The Documentary History of the Westminster assembly," *The Presbyterian Review*, i (1880), 138. The Grand Committee played a leading role in suggesting topics in debates over church government, and when it lagged behind Baillie took note of it (*Letters*, ii, 120). However, the only formal steering committee to emerge was referred to as the "committee of the Assembly". E.g., *Minutes*, iii, 54v, 59v and perhaps iii, 60r. For a thorough discussion of the Grand Committee, see Wayne R. Spear, "Covenanted Uniformity in Religion" (unpublished Ph.D. diss., University of Pittsburgh, 1976), 73-82.

¹⁵ Spear, "Covenanted Uniformity in Religion", 74-77; Spear errs in thinking that some parliamentary members of the Grand Committee were not also members of the Westminster assembly (76-77).

Episcopalians.¹⁶ Later biographers have improved on Baillie, often emphasizing either the superiority or the distinctiveness of the Scots. On the one hand George Gillespie (until recently, persistently named the youngest person at the assembly)¹⁷ demolished a decade of John Selden's research in a single speech and inspired a portion of the Shorter Catechism by a powerful extempore prayer. On the other, Henderson, Baillie and Rutherford disdained the chaos of English religion and the political toleration of error and just wanted to go home.¹⁸

That these stories existed at all was due in large part to the careful shaping of the assembly's history by the commissioners themselves. They initiated the tradition, perhaps because of the ambiguity of their involvement. That the Scots were sensitive about their contribution and reputation is apparent in a request by Rutherford for a commemorative

¹⁶ For Baillie's high estimate of the Scottish team, see Baillie, *Letters*, ii, 159-62, 177, 255-57.

¹⁷ Popular literature continues to focus on Gillespie's youth. E.g., see H. Florijn, "De Schotse Afgevaardigden", in *De Synode van Westminster, 1643-1649* (Houten, 2002), 85.

¹⁸ For narrations of the folklore surrounding the commissioners, see W. M. Hetherington, "Memoir of George Gillespie", in Gillespie, *Works*, i, xx-xxxiii, cited with qualification in "George Gillespie" *Oxford DNB*. See also the biographical summaries of Scottish commissioners in *A history of the Westminster assembly of Divines: embracing an account of its principal transactions, and biographical sketches of its most conspicuous members* (Philadelphia, 1841); W. Barker, *Puritan Profiles: 54 contemporaries of the Westminster assembly* (1996. Reprint edn. Fearn, 1999); B. Brook, *The lives of the puritans: containing a biographical account of those divines who distinguished themselves in the cause of religious liberty, from the Reformation under Queen Elizabeth to the Act of Uniformity, in 1662* (1813. Reprint edn., 3 vols, Pittsburgh, PA, 1994); D. W. Hall, *Windows on Westminster: a look at the men, the work and the enduring results of the Westminster assembly* (Norcross, GA, 1993). Florijn, "De Schotse Afgevaardigden", 83-86. The most unreliable accounts are found in J. Reid, *Memoirs of the Westminster divines* (1811. Reprint edn. Edinburgh, 1982). Until recently, the best brief biographical notices were those provided by Spear in "Covenanted Uniformity in Religion".

comment in the minutes of the Assembly. In October 1647 Rutherford asked that there be an official record

that the Assembly hath injoyed the assistance of the Honble, Reverend & learned Commissioners from the Church of Scotland in the worke of the Assembly during all the time of the debating and perfecting of those 4 things mentioned in the covenant, viz – the directory for worship, the Confession of faith, forme of Church government and Catichisme. Some of the Reverend & learned divines, commissioners from the Church of Scotland have been present in & assisting to this Assembly.¹⁹

The drafting of the memorandum, if the mass of interlineations and erasures are any indication, was as uncomfortable for the English divines as it was important to Rutherford. It was one thing to set up a monument to the Scottish contribution, but its wording had to be chosen carefully. The seed of the tradition that was being planted had the potential to one day crowd out or overshadow the intellectual labours of the English members.

These oral traditions grew during the two centuries after the assembly and Scottish ecclesiastical historians, most notably Alexander Hetherington, gravely tended and watered the ever-growing legends about their countrymen at the assembly. The traditions themselves affirm the importance of the assembly in the Scottish Protestant religious consciousness, but they also highlight the extent to which the commissioners functioned as church fathers for Presbyterianism. This is best illustrated in Gillespie's fabled destruction of the arch-Erastian, John Selden.²⁰ The accounts that focus on his youth seem to recall the defender of the faith from Alexandria who, while still a deacon, had showed himself a brilliant young defender of orthodoxy against the

¹⁹ *Minutes*, iii, 331v.

²⁰ J. Reid, *Memoirs of the Westminster divines*, ii, 281-82; Reid's account is slightly enhanced in Barker, *Puritan profiles*, 111, who is probably also drawing on Hetherington's "Memoir of the Rev. George Gillespie", xxiii.

Arians.²¹ For Scottish Presbyterians, Gillespie was a new Athanasius and the assembly at Westminster was a new Council of Nicea. The difference was that ecclesiology, rather than Christology, was at stake.

Over time, the activity of generations of historians has eroded some of the high points in these stories. It turns out that there was no dramatic rebuttal that brought Selden to his knees.²² The intense pining for Scottish soil was at most a dull throb for George Gillespie, who wrote home to say that London was the best place on earth, certainly the most exciting place for all things spiritual.²³ It seems that Baillie exaggerated the negotiating skills of the group as a whole, for only Henderson was particularly winsome; Gillespie had the grace to admit that sometimes he was not.²⁴ More significantly, and as far back as the 1880s, Alexander Mitchell pointed out that Henderson died before the Confession was completed, Gillespie left before the Larger Catechism was finished and Rutherford left after the first reading of the Shorter Catechism.²⁵ Baillie's contribution was effected behind the scenes. And Gillespie appears to inflate the coherence and effectiveness of his own contributions. His narrative of the assembly's debates takes decency and order a little more seriously than it needs to when he relocates his speeches in order to make conversations flow better and his

²¹ Socrates, *Ecclesiastical history*, i, 8, and Sozomen, *Ecclesiastical history*, i, 17, in Nicene and Post-Nicene Fathers, 2nd series, vol. 2 (reprint, Peabody, Mass., 2004), 9 and 253.

²² A. F. Mitchell, *The Westminster assembly: Its History and Standards* (Philadelphia, 1884), 288.

²³ Gillespie to Robert Murray, in Baillie, *Letters*, ii, 507.

²⁴ On one occasion, Rutherford and Gillespie were excluded from a delicate discussion because they were so "scrupulous" (Baillie, *Letters*, ii, 76); on another he averred that "there cannot be three more gracious and able men than" his three fellow clergymen at the Assembly (*ibid.*, 106). Only Henderson is known to be unusually gracious (Henderson, *Oxford DNB*). For Gillespie's self-deprecating remarks, see *Minutes*, iii, 19v.

²⁵ Mitchell, *The Westminster assembly*, 431-432; see also D. Macalister, *The English authors of the shorter catechism* (Glasgow, 1925).

contributions seem more logical.²⁶ It was not until after the First World War that the importance of the English theologians in drafting the Westminster Standards was seriously stressed by Sir Donald MacAlister, and that only in a pamphlet.²⁷ The Scottish commissioners had their equals in the assembly and MacAlister notes that his forefathers did not carry more weight, man for man, than Herbert Palmer (1601–1647), William Bridge (1600/01–1671), Thomas Goodwin (1600–1680), William Gouge (1575–1653), Stephen Marshall (1594/5?–1655), or Anthony Tuckney (1599–1670) to name a few.²⁸ Then, in the 1970s, the second-to-last bastion of Scottish contributions was dismantled by Wayne Spear. Spear argued that in the assembly the Scots argued for fourteen positions on church government. They won only two.²⁹ Spear also demonstrated that the Grand Committee, important as it looked, did not have a large role in the assembly beyond the autumn of 1644 – a period of about thirteen months.³⁰

The dust may never quite settle on the precise contribution of the Scottish commissioners to the texts of the assembly, but it seems that almost everyone agrees on the contribution of one Scottish text to the history of the assembly: the Solemn League and Covenant. It is certain

²⁶ C.f., *Minutes*, i, 317v–322v and Gillespie, *Works*, ii, 26. Gillespie places his speech after Selden's on 20 Feb. 1644 when it was actually delivered on the 21st. Gillespie does not record any of the rebuttals made to Selden on 20 Feb. and it is possible that he spent the remainder of the morning framing his reply, which was delivered the first thing on 21 Feb. Mitchell notes (with some minor inaccuracies), Gillespie's account of his own speech allows for the grammatical possibility that he was not intending to convey that he actually spoke to Selden on the 20th. But without the *Minutes* or Lightfoot's account, Gillespie's account most clearly suggests that he issued an immediate, erudite rebuttal to Selden, as Hetherington inferred. See John Lightfoot, *Works*, ed. J. R. Pitman (London, 1824), xiii, 165–167.

²⁷ D. MacAlister, *The English authors of the shorter catechism* (Glasgow, 1925).

²⁸ For a narrative emphasizing English members, see the brief comments in J. H. Leith, *Assembly at Westminster: Reformed theology in the making* (Richmond, VA, 1973), 45–50. For biographies of these members, see *Oxford DNB*.

²⁹ Spear, "Covenanted uniformity", 331–343.

³⁰ *Ibid.*, 73–82.

that the English populace saw the document as Scottish and often resented it as such; and it is equally certain that the Scots saw the text as a real contribution, one which could shape the decisions of the assembly. Certainly they appealed to the Covenant often, insisting that it required particular documents to be created and particular arguments to be adopted.

Historians have tended not to underestimate the significance of the Solemn League and Covenant. Beginning with Alexander Mitchell and extending to Robert Paul, all work accomplished by the assembly prior to the signing of the Solemn League and Covenant is understood as a grand make-work project for theologians at the Abbey: the Long parliament is old Labour, finding employment for its workforce until something really worth doing appears on the horizon.³¹ It is perhaps because of the obvious importance of the Covenant that historians have neglected that other constitutional document of the Westminster assembly: its summoning ordinance.

Most estimations of the importance of the Solemn League and Covenant appear without reference to the summoning ordinance. When the summoning ordinance is mentioned by historians, it is usually dismissed as a document superseded, or at least made redundant, by the arrival of the Covenant. Thus all considerations of the Covenant discuss the document in a splendid isolation. No close reading of the summoning ordinance exists, no comparison of the two texts has ever been published, and no analysis of the use of these two texts in the assembly has been attempted. However, it seems to me that any evaluation of the influence of the Scottish-born Covenant on the Westminster Assembly requires this analysis, and so the remainder of this paper looks at these two texts in turn, and then examines the ways in which they were used.

³¹ Paul suggested that the assembly was asked to revise the Thirty-nine Articles because theological debate was "not likely to reveal any serious rift" – in fact, "the whole exercise was probably a colossal waste of time." Paul, *The Assembly of the Lord*, 79, 82.

III. The summoning ordinance

On 13 June parliament printed its ordinance "For the Calling of an assembly of Learned, and Godly Divines", just one week after the Lords's addition of two divines and of thirty members of the two houses and only one day after the two houses had agreed on some changes.³² Nevertheless, it neglected to mention in the title the addition of parliamentary personnel.³³ The earlier edition or editions were recalled and, after reprinting the ordinance,³⁴ parliament issued a hasty summons

³² *An Ordinance of the Lords and Commons Assembled in Parliament. For the Calling of an Assembly of Learned, and Godly Divines to be Consulted with by the Parliament, for the Setting of the Government and Liturgy, of the Church of England, and for Vindicating and Clearing the Doctrine of the Said Church, from False Aspersions and Interpretations; as Shall be Most Agreeable to the Word of God. With the Names of All the Ministers Appointed for the Same.* (London, 1643). On 7 June 1643 D'Ewes referred to a copy already in print of a summoning ordinance for the Assembly (British Library, Harl. 165, fo. 399b), but the final form of the ordinance was not authorized until 12 June and surviving ordinances are dated 13 and 20 June.

³³ See *CJ*, iii, 126, Monday 12 June 1643 when the Lords agreed to the final form of the ordinance for calling the assembly. Although they desired further consideration about requiring the Vow and Covenant of the divines, the Lords gave the order to their clerk to print and send out the summons.

³⁴ The first printing of the ordinance was probably Wing E1952C, since the title page contains a spelling mistake and mentions only the ministers summoned to the assembly and not the "others" – i.e., members of the two houses; yet this version correctly inserts Simeon Ashe's name instead of Josiah Shute, by then deceased. See Van Dixhoorn, "Reforming the Reformation", ii, 60-61, and C. Van Dixhoorn, "Members of the Westminster assembly and Scottish commissioners (1643-1652)", *Oxford DNB* list. The second printing was likely Wing E1952A, which corrects the spelling mistake but again mentions only the ministers summoned to the assembly. One version of Wing E1952A is printed in black letter, the other in Roman type. Wing E1952B may be a third printing, but I have not been able to see it myself. It mentions ministers only. The next printing, with no apparent errors, is Wing E1952, a black letter edition. There is supposed to be a variation with a pagination error but, again, I have not seen it. Most of these editions, even the later ones, state that they were printed 13 June, although the Houses were discussing the errors in the printed

to the divines³⁵ and a call to the nation for prayer.³⁶ The title of the ordinance reiterated both the *wording of the petitions* to parliament for a “learned and godly” assembly and the *vocabulary used in the House of Commons* advocating a reform by parliament in consultation with divines. Of the three main tasks of parliament’s assembly, the first two were revolutionary in nature: “setling ... the government and liturgy” of the Church “as shall be most agreeable to the Word of God”. The preface of the ordinance reminded the nation that this would be a radical settling: “many things” remained in the “liturgy, discipline and government of the church” which required a “further and more perfect reformation”.

ordinance until 17 June. See *CJ*, iii, 132 and *LJ*, vi, 99. The omission of parliamentarians in the initial printed editions of the ordinance was an error on the part of the printer: the parchment order in the House of Lords Record Office shows the changes to the order which were introduced in negotiations between the Houses. The changes include the names of the peers and members of the Commons crammed into the margin, as well as the words “and others” in the opening sentence and a proviso limiting the power of the assembly in the final line of the order (Main Papers of the House of Lords, MS 12 June 1643, Box 8). Incredibly, another printing of the ordinance on 20 June referred to ministers only, and incorporated new errors into the ordinance (a variation of Wing E1952A).

³⁵ *Die Sabbathi. 24. Junii 1643. It is This Day Ordered by the Lords and Commons in Parliament Assembled, That the Meeting of the Assembly of Divines, Together with Some Members of Both Houses of Parliament, Shall be on Saturday the First of July 1643. at Nine of the Clock in the Morning, in the Chappell Commonly Called, King Henry the Seventh His Chappell in the City of Westminster: And Hereof All Parties Herein Concerned Are to Take Notice, and Make Their Appearance Accordingly.* Jo. Brown Cler. *Parliamentorum* (London, 1643).

³⁶ *Die Sabbathi 24. Junii 1643. It is this day ordered by the Lords and Commons in parliament that all ministers in their severall churches in Wednesday next at the publike fast, and at all other times afterwards in their prayers before their sermons, shall earnestly and particularly pray for the speciall assistance and blessing of God upon the Assembly of Divines and others, appointed to meet at Westminster on Saterday the first day of July next to be consulted with by both houses of parliament in matters concerning religion* (London, 26 June 1643).

The settling of many things would be radical but that settlement was by no means clearly defined. In the case of the liturgy, the two houses sent out conflicting messages with respect to ongoing observance of the existing liturgy and destruction of images and communion rails, until 26 August 1643 when parliament finally issued an ordinance that sanctioned the removal of rails and images (a decision favouring the House of Commons).³⁷

In contrast to the cloud of ambiguity around liturgical reform, the second task of the assembly, involving the reform of Church Government, was much more obvious. Lest anyone forget – not least the divines assembled in the Abbey – the preface of the summoning ordinance informed them that the Lords and Commons had already “declared and resolved ... that the present church-government by archbishops, bishops, their chancellors, commissaries[,] deanes, deanes and chapters, archdeacons and other ecclesiastical officers depending upon the hierarchy, is evill and justly offensive and burthensome to the kingdome”. The hierarchical system was unwieldy and unattractive. Worse, it proved to be a ball and a chain to progress, “a great impediment to reformation and growth of religion”. Perhaps most importantly for parliament, prelacy was “prejudiciall to the state and government of this kingdome”. It was true that the ecclesiological system was not yet abolished, but this declaration, in the very act of summoning the divines, was setting out the direction of the reform.³⁸

The third task of the assembly was stated with a sharp difference in tone. The assembly was to “vindicate” and “clear” the church’s doctrine. Neither the title nor the body of the ordinance suggests that there was anything wrong with the theology of the church as it was presented in its Articles, catechisms, or homilies. Rather, the divines were to vindicate and clear “the doctrine of the said church, from false aspersions and interpretations” or, as the ordinance states in another

³⁷ K. Lindley, *Popular Politics and Religion in Civil War London* (Aldershot, 1997), 42-43.

³⁸ *An Ordinance ... Calling of an Assembly*, unpaginated.

place, from “misconstructions”—and always in such a way “as shall be most agreeable to the Word of God”. The assembly was to demonstrate that the Church of England’s theology was in accordance with the Church of Scotland (a phrase to which the Lords had objected) and with the Reformed churches abroad.³⁹ But this could easily be a matter of spin rather than reform. Under the guise of “vindicating and clearing”, Reformed divines in England had, in recent decades, argued, against Arminians (for example) that the Thirty-nine Articles were *already* Reformed and in conformity with these other churches.⁴⁰ But then on another day of the week or another year in the decade, these same Reformed divines could also encourage the supplementation of the Thirty-nine Articles, such as with the aborted Lambeth Articles.⁴¹ Vindicating and clearing were elastic terms even to men of the most rigid principles.

In spite of this background of qualified assent and implied dissent, there is no indication that the divines were supposed to revise the church’s doctrine in any way comparable to the proposed revision of church government or liturgy, or if they were even to “revise” its doctrine at all. On the other hand, parliament had clearly declared its commitment to altering the church’s ecclesiology and worship over time and had explained the degree of change that it expected. The fact

³⁹ William A. Shaw, *A history of the English Church during the civil wars and under the Commonwealth 1640-1660*, 2 vols. (London, 1900), i, 127.

⁴⁰ George Walker argued that the eleventh of the Thirty-nine Articles taught the imputation of the active obedience of Christ. *Socinianisme in the fundamentall point of justification discovered, and confuted* (London, 1641), 96-98. But in revising the eleventh article at the assembly, Walker argued for a change of wording in the article. See e.g., *Minutes*, i, 7v.

⁴¹ Calvinists were not the only persons to argue that their position was in accord with a confession while simultaneously pushing for confessional revision: Arminius did the same with the Belgic Confession and Heidelberg Catechism. See R. A. Muller, *God, creation, and providence in the thought of Jacob Arminius: sources and directions of scholastic Protestantism in the era of Early Orthodoxy* (Grand Rapids, 1991), 41-42.

that the two Houses provided a less ambiguous declaration about an alteration in doctrine was to prove significant.

Worship, church government and theology embrace the main themes of the text of the ordinance. But the subtext was equally important.⁴² At every possible point in the ordinance, parliament asserted its governing and determining role in this synod. Beyond providing the forceful preamble, parliament listed the names of the peers and commoners before the names of the divines. Parliament set the date of the assembly's meeting and its location. Parliament set quorum at forty divines and parliament chose the prolocutor, William Twisse. If he were to die or "be letted by sicknesse or other necessary impediment", parliament would choose his successor. Just as parliament and convocation had traditionally been dissolved at the pleasure of the king, the assembly was to be dissolved at the pleasure of parliament.

The power of parliament was directive not only in all matters organizational, but also in matters intellectual. The persons of the assembly were to "have power and authority ... from time to time" to "confer & treat amongst themselves of such matters and things" touching on theology, ecclesiology, and worship, but they were "enjoyned" to do so only "as shall be proposed unto them by both or either of the said houses of parliament, and no other". The divines could also "deliver their opinions and advises" but only "touching the matters aforesaid" and only to parliament as "shall be required". In fact, silence was enjoined and although note-taking was not forbidden, no information was to be divulged "by printing, writing or otherwise without the consent of both or either house of parliament". Finally, "in case, any difference of opinion shall happen amongst the said persons so assembled, touching any the matters, that shall be proposed to them," then the matter of the disagreement and the position and reasoning of both sides was to be submitted to parliament so that the two Houses could in turn give the assembly "further direction".⁴³ No one was to

⁴² *An Ordinance ... Calling of an Assembly*, unpaginated.

⁴³ *An Ordinance ... Calling of an Assembly*, unpaginated.

forget that this was to be parliament's assembly. After all, as Sir Simond D'Ewes so confidently told his journal, the members of the two Houses had an advantage in religion: they could make decisions without "the great passions clergymen are subject to".⁴⁴

The remainder of the ordinance details monetary and legal matters, with money coming first. The divines were to be paid four shillings for every day in attendance and for the ten days preceding and following the assembly. The money was to come from "the Commonwealth", but how the money would be raised is not stated. One member of parliament noted in his journal that the cash-strapped Commons considered requiring counties to pay for their respective representatives.⁴⁵ It turned out to be much easier to make full use of the fine print – a little qualifying statement that parliament would pay "at such a time and in such manner as by both Houses of parliament shall be appointed" – a rather ambiguous statement for a body contracted to pay the assembly a total of twenty-one pounds and one shilling per day, beginning immediately.⁴⁶

The legal issues surrounding the calling of the assembly were manifold. However, only one of these issues is mentioned in the ordinance: absenteeism from livings. Parliament granted the divines indemnity from prosecution on the basis of "any law or statute of non-residence" for "reason of any non-residence or absence" from their livings – a right which was to extend to any divine not named in the ordinance but summoned to the assembly at a later time. The right to all the wages of their living(s) was maintained – "provided ... that this ordinance or any thing therein contained, shall not give unto the persons aforesaid, or any of them, nor shall they in this assembly assume to exercise any jurisdiction, power, or authority ecclesiasticall whatsoever, or any other power, then is herein particularly expressed". Presumably

⁴⁴ British Library, Harl. 166, fo. 267b.

⁴⁵ See Framlingham Gawdy's comments in *The private journals of the Long Parliament: 7 March to 1 June 1642*, edd. W. H. Coates and A. S. Young (New Haven, 1987), ii, 298.

⁴⁶ *An Ordinance ... Calling of an Assembly*, unpaginated.

the divines would have been subject to prosecution if they attempted to exceed their stated powers.⁴⁷

Indemnity against prosecution for non-residence was thoughtful. But parliament was vague, in the ordinance and elsewhere, on the status of the canon law and civil statutes (all of which were Elizabethan) which addressed other matters pertinent to the assembly-men. For example, neither the preamble nor the body of the summoning ordinance clarified the legality of doctrinal revision. This was significant since the fifth Canon of the Canons of 1604 specifies that a clergyman differing from any one of the Thirty-nine Articles could be excommunicated, *ipso facto*. But beyond declaring that the Canons of 1604 and 1640 were of no authority in the *civil* courts,⁴⁸ the Long Parliament did not venture to explain the legal position of the canons for the *church* courts. This was inadequate security for the reformers in Westminster Abbey. Without the civil courts, the church could not inflict physical punishment or death upon a clergyman, but it still had the power to fine and imprison, the latter often leading to death. Thus the possible violation of ordination vows, specifically the vow to obey one's (Episcopal) ordinary, was not an easy step to take unless the divines could be assured that prior laws and vows were somehow dead letters, or that Episcopal power would never return to England.

The situation certainly gave men like Cornelius Burges, Daniel Featley, and others cold feet. Featley mentions his concerns about perjury, specifically mentioning his vows and "canonicall obedience" in a speech before the assembly.⁴⁹ Nevertheless, since both sets of canons

⁴⁷ *An Ordinance ... Calling of an Assembly*, unpaginated.

⁴⁸ The House of Commons had "passed resolutions ... against the power of the clergy to make any canons without common consent in Parliament". Shaw, *History of the English Church*, i, 14-15. For the opposition of parliament to the Canons of 1604, see G. Bray, ed., *The Anglican canons, 1529-1947* (Woodbridge, 1998), pp. lvi-lix, lxxiii-lxxviii.

⁴⁹ Anonymous, *Sacra nemesis, the Levites scourge, or, Mercenrins Britan. Civiens disciplin'd. Also diverse remarkable disputes and resolves in the Assembly of*

(in 1604 and 1640) were issued without the authority of parliament – or rather, in opposition to parliament – Featley's protest on the basis of canon law was unlikely to garner much support among those who had already dared to come to Westminster against the king's express command.⁵⁰

The chances were that canon law could be ignored; statute law was another matter, as events in the following year revealed. The preface to the assembly's 1644 Directory for Public Worship ignored canon law completely, but made a point of repealing Edwardian and Elizabethan statutes touching on the issue of worship.⁵¹ Very probably the divines were to assume that Elizabethan statutes protecting the Thirty-nine Articles would be repealed when the revision of the Articles was completed. And yet until that time, it was technically illegal to alter, let alone expunge, any of the Thirty-nine Articles.⁵² Thus while indemnity from prosecution for non-residence was incorporated in the ordinance,⁵³ indemnity for ecclesiological, liturgical, or theological innovation was not likely to be granted until the new Reformation was completed.⁵⁴

If this reading of the summoning ordinance is correct, then it was perhaps an act of carelessness on the part of parliament to have offered

Divines related, episcopacy asserted, truth righted, innocency vindicated against detraction (Oxford [i.e. London], 1644), 50.

⁵⁰ There was real danger in coming to Westminster, although one of the assembly-men who was taken prisoner was later released without harm. See Lightfoot, *Works*, xiii, 174.

⁵¹ C. H. Firth and R. S. Rait, *Acts and ordinances of the interregnum* (London, 1911), i, 582. See, for example, 1 Eliz. I, c. 2. All citations are from the *Statutes of the Realm* (London, 1819), vol. iv, parts 1-2.

⁵² 13 Eliz. I, c. 12, ss. 1-4, 1571. See chapter four for the relevance of this debate.

⁵³ Firth and Rait edd., *AOI*, 1:183. For the long history of legislation on benefices, see 13 Eliz. I, c. 20; 14 Eliz. I, c. 11; 27 Eliz. I, c. 11; 29 Eliz. I, c. 5; 31 Eliz. I, c. 10; 35 Eliz. I, c. 7; 39 Eliz. I, c. 18; 43 Eliz. I, c. 9; 1 Jac. I, c. 25; and 21 Jac. I, c. 28.

⁵⁴ The Elizabethan statutes regarding church government (e.g., 13 Eliz. I, c. 12, ss. 1-3, 1571) are not repealed in the temporary ordinance concerning ordination or in the final ordinance establishing presbyterian church government.

the divines so little security. Perhaps it thought that those divines bold enough to meet in the Abbey did not need further legal reassurances from the Houses that summoned them to Westminster. But some divines clearly felt they were on the horns of a dilemma or, at least, between a rock and a hard spot. Almost everyone knew that many of the members of both houses were strongly anticlerical and the marriage between parliament and the assembly was going to be a difficult one. It was also clear that if the relationship was strained, it would not be parliament that would suffer abuse.

Just such a strain evidenced itself in September 1643 when John Selden blamed the assembly for not clearly stating the basis on which parliament could proceed against heretics: did the assembly want parliament to charge antinomians with breaking the law for criticizing the Thirty-nine Articles? Or would the divines prefer to accuse the antinomians of heresy? Cornelius Burges told Selden that the assembly did not presume to define heresy and that this was not required of them. At the same time, Burges pointed out that Elizabethan statutes said that heresy could be defined by that which contravened the creeds of the four ecumenical councils or that which was determined to be heresy by parliament.⁵⁵ Selden thanked the assembly for “the tenderesses in looking to your order” but told them “that 10 Eliz., that hath noe relation to us, but to that court that is taken away”. Thomas Gataker asked what heresy was according to the law and reminded Selden of disputes over the burning of heretics; George Walker thought that to prove someone a heretic was “as easy as to stand up or sit downe”. Nine other divines spoke to the point, some more than once. Throughout the exchange the divines exhibit frustration with the equivocation in Selden’s request and with the lack of clarity about which ecclesiastical and civil laws pertaining to the church and its theology were current.⁵⁶ In 1643 the Commons was no more willing to accept responsibility, or

⁵⁵ *Minutes*, i, 74v.

⁵⁶ The exchange is found in *Minutes*, i, 74r-77r; John Lightfoot’s account is in Cambridge University Library, MS Dd.XIV.28(4), fo. 51r-v.

bad publicity, for the condemnation of individual antinomians than it was to accept the responsibility for a clear plan of action for the reform of church government, worship, and doctrine. It was clear by the autumn of that year that with the English attempt at setting an agenda so poorly executed from July to September, it would be difficult for their northern neighbours not to make some improvements on the situation with their own master plan.

IV. The Solemn League and Covenant

The Solemn League and Covenant probably originated from the pen of Alexander Henderson.⁵⁷ Henderson's text was in turns discussed by a committee comprised both of English clergy and members of parliament, visiting Edinburgh for the purpose, and ratified by the General Assembly before being sent to England. On Monday 25 September 1643 the Solemn League and Covenant was signed between the beleaguered English parliament and the presbyterian-dominated Scottish parliament.⁵⁸ The terms "league" and "covenant" could carry political or religious overtones, as Joong-Lak Kim notes,⁵⁹ but in this case it is arguable that the Covenant promised religious reform, unity, and the presence of Scottish ministers at the Westminster assembly while the League provided England with Scottish troops as a second, northern front in the war against the king. The event was marked by lengthy prayers by John White and William Gouge, an exhortation by Philip Nye, and a speech by Alexander Henderson. Parliamentarians then proceeded to the front of St Margaret's church and voluntarily swore and subscribed the Solemn League and Covenant. But it was volunteering in the seventeenth-century sense: those who did not sign were required to do so later.

⁵⁷ "Alexander Henderson", *Oxford DNB*.

⁵⁸ *CJ*, iii, 254.

⁵⁹ J.-L. Kim, "The debate on the relations between the Churches of Scotland and England during the British Revolution (1633-1647)" (Ph.D. diss., University of Cambridge, 1997), 175-76.

The well-known text of the Covenant, as the Solemn League and Covenant was usually termed, consists of six articles, preceded by a preamble bemoaning the condition of the British church and state and concluded with a postscript urging humiliation for sin and calling God as a witness. The final two articles urge the perpetuity of the Covenant. The middle two articles state the importance of civil liberties and the need to discover and judge the “incendiaries, malignants or evil instruments” who hinder reformation and divide the king from his people. The first two articles of the Covenant treat the reformation of religion and relate directly to the work of the Westminster assembly.⁶⁰ Since a major component of the document was the religious Covenant, the assembly was asked by parliament to review the text before the two Houses signed it.⁶¹

⁶⁰ *The text unaltered by Parliament and the Assembly was printed as The new oath or covenant to be taken by all persons within the two kingdomes of England and Scotland agreed upon at Edinbrough by the generall assembly, the convention of estates, and the commissioners for the Parliament in the kingdome of England, the 18th day of August, 1643 and sent to the Parliament of England for the like approbation* (London, 1643). The final form of the text was printed as *A Solemn League and Covenant, for reformation, and defence of religion the honour and happinesse of the King, and the peace and safety of the three kingdoms of England, Scotland, and Ireland. Also, two speciall orders: viz. I. Concerning the taking of the League and Covenant in all churches and chappels in London and Westminster, upon the next Lords-day in the afternoon. II. Concerning divers lords, knights, gentlemen, colonels, officers, souldiers, and others, that are desirous to meet this present Friday in the forenoon, at Margarets-Westminster, and to take the said League and Covenant. Die Sabbathi, 30. Sept. 1643* (London, 1643). This form of the Covenant is widely available.

⁶¹ *CJ*, iii, 219-20. National covenants had their precursors in Scotland (The Negative Confession of 1581, renewed in 1590, and the National Covenant of 1638) and in England (The Protestation of May 1641 and the Vow and Covenant of July 1643). See Kim, “Debate on the relations between the Churches of Scotland and England”, 177-184, 193-200 and E. Vallance, ““An holy and sacramentall paction”: federal theology and the Solemn League and Covenant in England”, *The English Historical Review*, cxvi, 465 (2001), 50-56, 60-62.

The assembly's attention was concentrated on the first two articles, especially on the meaning both of a reform "according to the word of God" in the first article and of an extirpation of "prelacy" required by the second article of the Covenant.⁶² The latter phrase became important when some divines argued that prelacy needed to be defined. Some wished it to refer only to the abuse of episcopacy; others argued that prelacy referred to episcopacy itself.⁶³ The more complicated controversy at the assembly centred on the other clause in the Covenant: the assertion of the Scottish delegates that the phrase "according to the word of God" was not intended as an alternative to a Scottish reformation but as a synonym for it. In the process of adopting the Covenant, the House of Commons had moved the phrase from its original position (where it modified the Scottish church) to another location (where it modified the reformation of the English church). The possible effect of the move was to set a disjunction between the Church of Scotland and the scriptures. Prior to its relocation, the phrase praised the Scottish church as an institution already reformed according to the word of God. Now it asserted that the reformation in England needed to be reformed not only according to the pattern of the Church of Scotland but also according to the word of God, implying that the church in London might in the end look different, and even more biblical, than the church in Edinburgh. As it happened, the English members approved the change.⁶⁴ The Scots strenuously opposed the alteration, but once it was effected they changed their tack and denied its relevance.⁶⁵ An

⁶² See Shaw, *History of the English Church*, i, 125-44; Sparc, "Covenanted Uniformity in Religion", 47-51; P. J. Smith, "The Debates on Church Government at the Westminster assembly" (unpublished Ph.D. diss., Boston University, 1975), 84-92; Paul, *Assembly of the Lord*, 87-100; and S. W. Carruthers, *The Everyday work of the Westminster assembly* (Philadelphia, 1943), 6-7. Carruthers also discusses the assembly's role in getting the populace to sign the Covenant (18-21).

⁶³ See especially Paul, *Assembly of the Lord*, 90-96.

⁶⁴ Smith, "The debates on church government," 91-92; Shaw, *History of the English Church*, i, 143.

⁶⁵ Paul, *Assembly of the Lord*, 88.

additional English qualifier that the church be reformed according to the example of the best Reformed churches was also a manageable addition because no one specified whether the best Reformed church was in Geneva or Rhode Island.⁶⁶

What has not been previously recognized is that the debates over the wording of the Solemn League and Covenant focused on phrases previously used in the assembly's summoning ordinance. The first article of the Covenant called for a reform "according to the word of God"; the summoning ordinance had already called for a reform "most agreeable to the word of God" or, in another place, "most agreeably to Gods holy word". In both cases, the phrases modified the reformation of ecclesiology, worship, and theology. Again, the second article of the Covenant called for the extirpation of prelacy, which was defined as "Church government by archbishops, bishops, their chancellors and commissaries, deanes, deanes and chapters, archdeacons and all other ecclesiastical officers depending upon the hierarchy". But the summoning ordinance *also* had called for the taking away of "church-government by archbishops, bishops, their chancellors, commissaries[,] deanes, deanes and chapters, archdeacons and other ecclesiastical officers depending upon the hierarchy". The Westminster assembly had, in fact, insisted on inserting key phrases from the summoning ordinance into the Solemn League and Covenant, thus emphasizing the continuity between the mandate described by the Covenant and their own initial task. The move was an adroit one, probably aimed to put those divines who objected to the Covenant in an awkward place. How could Featley, Burges, and friends object to the very phrases that they had tolerated only months before?

Recognizing this identity in vocabulary between the assembly's summoning ordinance and the Covenant complicates the story. Historians have usually employed the gift of hindsight to argue that the

⁶⁶ For the debates over the Solemn League and Covenant at the assembly and parliament, see Kim, "Debate on the relations between the Churches of Scotland and England", 184-193.

cause of the offence of the Solemn League and Covenant rested in its apparently innovative requirements, especially the "Confession of faith, form of church-government, [and] directory for worship and catechizing". However, closer examination shows that the Covenant is not particularly novel in its requirements: the summoning ordinance had also made allowance for the possibility of either revised or new forms of church government and worship, or at least so it was argued by some of its members. Nor was the Covenant very clear in its own requirements for church government, worship or doctrine. With respect to the reform of church government, in fact, *neither* document specified exactly what those changes would be like. Certainly, each contained sufficiently negative comments about the existing form of church government that there was little or no conversation at the assembly about the *extent* of the reformation permitted by parliament. Doubtless many of those who heeded the summoning ordinance or signed the Solemn League and Covenant knew what they wanted to see in ecclesiastical reform. Nonetheless, there was constant debate about the *nature* of the radical reformation intended: would it be congregational, presbyterian, or a modified or reduced episcopacy?

The intended reformation of worship was even less comprehensible to the divines and they debated both the merits of different possibilities of reform and the precise meaning of the charge given to them in the Solemn League and Covenant.⁶⁷ Were they to revise an existing form, such as the *Book of Common Prayer* or the Genevan *Book of the forme of common prayers* (long favoured by Scots and English Puritans)?⁶⁸ Or were they to create a new text? Or none? Interestingly, the fact that the Covenant required a "directory for worship and catechizing" suggests that the word "directory" did not necessarily imply, at least to seventeenth-century minds, a specific genre of literature, as has been

⁶⁷ Jeremiah Whitaker, for example, argued that a directory for worship was not expected of the assembly; Samuel Rutherford countered that the Solemn League and Covenant required it. *Minutes*, ii, 89v-90r; Lightfoot, *Works*, xiii, 277.

⁶⁸ See P. Collinson, *The Elizabethan puritan movement* (Oxford, 1990), 286-371.

assumed.⁶⁹ The coupling of worship and catechizing under one directory could have sounded to the English much like the model of the Book of Common Prayer, where a short directory for catechizing was appended to the liturgy. Ultimately, the assembly interpreted the word directory in different ways. It did not produce a liturgy for worship, but a directory. And it did not produce a directory for catechizing, but catechisms.

The mandate for the reform of theology was also vague. When the Covenant was signed, the assembly was in the process of reworking the Thirty-nine Articles, keeping as much of the existing structure and content as was possible. The Covenant required a confession of faith for the Scottish and English churches, but it did not state whether this confession would necessarily be a new document or a substantial revision of the Thirty-nine Articles.⁷⁰ In the reform of church government, worship, and doctrine there appears to be no dramatic difference between the requirements and ambiguities of parliament's summoning ordinance and of the Covenant.

⁶⁹ See, for example, Mitchell, *The Westminster assembly*, 213.

⁷⁰ The Dutch churches thought that the Solemn League and Covenant was clear about the abolishment of episcopacy – a task already completed, as they saw it, by 1644. Their concern was ambiguity about doctrinal reform and they urged the Assembly to “wholy cast forth of the house of God, not only the Bish[ops’] tyranny & supersitions already supressed, but also heresies, & schismes, and whatsoever is contrary to sound doctrine and the power of godlinesse, as your Oath [i.e., the Solemn League and Covenant] asserteth”. W. Apollonius, *Consideratio quarundam controuersiarum ad regimen ecclesiae dei spectantium, : quae in Angliae regno hodie agitantur* (Londini, 1644), “Ad synodum Londinensem,” unpaginated: “Obtestamur igitur vos in nomine Dei, ut abnegatis omnibus humanis affectibus sincere agatis hoc negotium, ut non tantum Episcoporum tyrannidem & superstitiones iam suppressas, sed etiam hareses, & schismata, & quicquid senae doctrinae & pietatis efficaciae contrarium fuerit”. The translation is from, *A consideration of certaine controversies at this time agitated in the kingdome of England* (London, 1645), “To the synod at London,” unpaginated.

V. Difference in content, intended users and actual use of the assembly's constitutional texts

In spite of the substantial similarities between the summoning ordinance and the Solemn League and Covenant, there was some difference in content, intended users and actual use of the texts. The English divines had deliberately inserted key phrases from their summoning ordinance into the Solemn League and Covenant, ensuring some continuity between the texts. But the ordinance also discussed constitutional and legal matters essential to the assembly's existence and operation not mentioned in the Solemn League and Covenant. The signing of the Solemn League and Covenant and the assembly's subsequent work on church government would, in time, eliminate the very church courts which were needed to enforce the canon law.⁷¹ Nevertheless, disputes over the legal standing and relevance of the civil statutes governing clergy⁷² and the meaning of the summoning ordinance and subsequent orders from either House were never settled in the assembly or subsequently in parliament.⁷³ The assembly needed a clearer legal framework in which to do their work, but they certainly would not want to ignore what protection they did find in the summoning ordinance.

Perhaps the most substantive difference between the two texts, and the reason for objections to the Covenant, rests on the fact that the Covenant assumed a different set of end users for the assembly's documents and declared the subsequent need (according to the Covenant) for uniformity in those documents. Furthermore, while the ordinance bound members of the assembly only, the Covenant was much more complex. The Covenant had articles which, both in intent

⁷¹ Post-Reformation Scotland had no canon law, and the Covenant's requirement that a uniform confession, catechism, Directory for worship, and Directory for church government be drafted may have implied the discontinuance of the English Canons which forbade these very measures.

⁷² See the debates over the minimum age for ordination of deacons and ministers (*Minutes*, ii, 17v-18v; Lightfoot, *Works*, xiii, 250-51).

⁷³ See the different opinions about writing a new article to add to the Thirty-nine (*Minutes*, i, 65v-67v).

and purpose, pertained to the assembly in particular, but subscription to the Solemn League and Covenant was solicited of all men in every parish (and probably some women).⁷⁴ The Covenant served as yet another litmus test for the loyalties of members of Parliament, clergy and persons holding higher offices in the kingdom and was sent abroad for the Protestant Churches of Europe to admire.⁷⁵ Indeed, Kim argues that the Scots preferred a Covenant to a mere league precisely because the Covenant was personal and required nation-wide subscription.⁷⁶ The assembly-men led a campaign for subscription in the churches, pressing for signatures and reporting lukewarm and heated responses to the Covenant.⁷⁷ They were undeterred by the fact that many now scrupled the religious part of the Covenant (as Goodwin averred). After all, people had been willing to accept the covenant when they needed Scottish help in the early days of the war.⁷⁸ As Rutherford reminded the assembly, it was obliged to continue keeping its promises and encouraging others to do the same.⁷⁹ Of course there were times when members of the assembly were not in a position to rebuke those who showed too little enthusiasm, in which case they were not beyond shaming them. Although he had once suffered Parliament's wrath for objecting to the Covenant, a day came when Cornelius Burges wished to remind Parliament that "in Scotland he that will not take the covenant may not shew his head".⁸⁰ Burges was forgetting that he had once struggled with the idea of taking the Covenant. When the text was first seen in England he had initially protested against the document. As he had seen it then, the Solemn League and Covenant implicitly placed the

⁷⁴ Lightfoot asked the assembly to determine whether women should subscribe to the Covenant (*Minutes*, i, 83r).

⁷⁵ Vallance, "'Holy and sacramental paction'", 53, 69.

⁷⁶ Kim, "Debate on the relations between the Churches of Scotland and England", 176-177.

⁷⁷ *Minutes*, i, 106v, 114r-115v.

⁷⁸ *Minutes*, ii, 189r (Palmer).

⁷⁹ *Minutes*, 183v (Rutherford).

⁸⁰ *Minutes*, ii, 188v.

divines in a novel posture towards the existing laws and statutes of the land. The Covenant was enough to result in his temporary departure from the assembly, along with William Price, and the permanent departure or removal of William Launce, Daniel Featley and perhaps others.⁸¹

The two documents differed materially in their legal content, in their anticipated users, but also in the way in which they came to be used in the assembly. The initial reaction of Burges and others against the Covenant signals that the mandates in the two texts were understood differently by at least some contemporaries. Further evidence for the perceived difference in the function of the two documents is found in the way in which the English actually used the summoning ordinance in its debates. In his account of the assembly, John Wallis (who served as an assistant scribe) mentions that whenever the idea of a "Bishop or Standing President ... chanced to be suggested, the Common Answer was; That this Point was precluded by the ordinance by which they sate; which did first *Declare* the Abolition of Episcopacy (not refer it to their Deliberation;) and they only to suggest to parliament, somewhat in the room of that so Abolished".⁸²

The divines mentioned the ordinance to one another, it was quoted by parliament,⁸³ and was wielded it against parliament.⁸⁴ Near the end of the assembly the divines stated their strong preference to not print

⁸¹ The attendance of the divines during the early months of the assembly is not known.

⁸² C. J. Scriba, "The autobiography of John Wallis, F.R.S.", *Notes and Records of the Royal Society of London*, xxv (1970), 34-35. I am grateful to Jason Rampelt for this reference.

⁸³ Paul notes that the first order sent to the Assembly after the signing of the Covenant "still reflected the words used in the original Ordinance by which the assembly had been set up". *Assembly of the Lord*, 100.

⁸⁴ The summoning ordinance was also cited by parliament. Before the signing of the Solemn League and Covenant it quoted the text in the two parliamentary orders, commanding the divines to consider the first ten and then the next nine of the Thirty-nine Articles.

their revision of the first fifteen of the 39 Articles. When parliament insisted to the contrary that the revision was to be printed, the divines prefaced their work by reminding the two houses that they were charged “onely to the clearing and vindicating” of the Articles which “necessitated” them to make “fewer alterations in them and additions to them, then otherwise we should have thought fit to have done, if the whole matter had been left ... without such limitation”.⁸⁵ The assembly’s reference to a limitation is particularly significant in a discussion of the ordinance and the Covenant. The ordinance provides a minimum of specific commitment on the part of parliament to any program of reform while maximizing the public impact of the assembly. The ordinance was vague, but it also somehow limited the permissible extent of the creative confessional process, at least as the divines understood it.

The summoning ordinance continued to function in the assembly as a constitutional document to be cited in debate, and to be quoted by Parliament, even after the Solemn League and Covenant were signed, but the two texts were by no means equal in their importance. The ordinance is mentioned in the minutes a few times but the Covenant many times, with much conviction and for a wide variety of reasons. For example the assembly made extensive use of the Covenant to argue against errors of all sorts. As was seen above, canon law did not help the divines to define heresy and they treated the subject with caution prior to the signing of the Solemn League and Covenant on 25 September 1643. But after the contents of the Covenant became public, many outside the assembly told William Gouge that the Covenant required the divines to “stand against all things that are brought in by the bishops”,⁸⁶ and many inside the assembly were sure that it forbade the separation of churches and required belief in a national Church in

⁸⁵ *The Proceedings of the Assembly of Divines upon the Thirty nine Articles*, 1-2, appended to *The Humble advice of the Assembly of Divines, now by authority of parliament sitting at Westminster, concerning a Confession of Faith* (London, 1647).

⁸⁶ *Minutes*, i, 83r.

England.⁸⁷ The Covenant was also used as a justification for declaiming and prosecuting errorists and heretics.⁸⁸ Thomas Temple went so far as to argue that all “that stickes directly at the new covenant must be an Herisy”.⁸⁹

Appeals to the Covenant were certainly more creative than references to the ordinance. Samuel Rutherford exhibits what must be a penetrating read of the former text when he argues that the assembly must produce a directory for preaching or be in violation of the Solemn League and Covenant – even though the document never once mentions the subject.⁹⁰ Lazarus Seaman thought the Covenant “tyes us” to haste; he displayed a powerfully broad sense of the Covenant again when he argues that his opponents had violated the “tenour” of the Covenant.⁹¹ Little wonder that Thomas Goodwin feared “the covenant taken in soe great a latitude of sence” and that Thomas Coleman, who once found comfort in the Covenant,⁹² now complained that it “was made use of as a staffe to beate all sorts of men.”⁹³ Serious disputes emerged about the “sense” in which the Covenant had been adopted by members of the assembly. Goodwin argued that each was permitted his own sense; Seaman held that a covenant between three nations was meaningless if they did not share one sense. George Walker, true to character, announced that the whole matter was already “clear” since the Covenant required conformity with the word of God.⁹⁴

Eventually the two Houses came to think that the assembly was valuing the Covenant too much and the summoning ordinance too little. When in March 1646 the clerical members of the assembly publicly

⁸⁷ *Minutes*, ii, 168v (Seaman); i, 183v (Burgess).

⁸⁸ *Minutes*, i, 95r (Palmer); ii, 168r (Seaman).

⁸⁹ *Minutes*, i, 75r. Similar comments were made in print. See Vallance, ““Holy and sacramental paction””, 66.

⁹⁰ *Minutes*, ii, 89v.

⁹¹ *Minutes*, i, 83v; ii, 168v.

⁹² Vallance, ““Holy and sacramental paction””, 66.

⁹³ *Minutes*, ii, 185r; iii, 124v (Burgess).

⁹⁴ *Minutes*, ii, 183v.

objected to parliament's severe recasting of its Directory for church government, Nathaniel Fiennes (1607/8-1669) and others were sent in April from the House of Commons to dress down the assembly-men.⁹⁵ He spoke of his own "regrete & sadness", but his words suggest anger. Fiennes reminded the assembly that the two Houses were so concerned that the assembly's members might use their position to judge laws as "contrary to the will of God & mind of Jesus Christ" that "when they first tooke into consideration the ordinance of the calling of this assembly, [they] expressly provided you should speake of nothing but what was propounded to you by both houses, or deliver your advise but in such a way & soe often." Given that parliament acted with "soe much reason & circumspection" how could the idea of objecting to an ordinance even "enter into the thought of any man"? Really, "can any imadgine that by the second ordinance wherby the[y] will you to be ratified they let all loose againe & authorise you to offer what you would as often as you would without any limit"? For Fiennes the answer was an obvious negative. And yet the experience of editing the Covenant did give the divines a taste of negotiating power and could suggest that "under colour" of an order to reform church government that the divines might be able to "interpose" their opinions. Fiennes and other members of the House of Commons sent to address the assembly did not think that "the houses of parliament" had given "any colour of power to this assembly to give any interpretation of the nationall covenant". But they were just as concerned about the assembly's interpretive expansiveness with the Solemn League and Covenant as they were about its perceived tendency to ignore the summoning ordinance. Indeed, the problem with their interpretation of the Covenant is that unsolicited interpretations were forbidden by the ordinance.⁹⁶

⁹⁵ Shaw notes that the ordinance was ordered to be printed. See Shaw, *A history of the English*, 288. It does not appear that the ordinance was printed. Further discussions were held in parliament and a revised version was approved in June (*ibid.*, 295-298).

⁹⁶ *Minutes*, ii, 258r-259v.

Given the strictures of the summoning ordinance, it is perhaps not surprising that many English clergy of the assembly, including Cornelius Burges, came to champion the Scottish-born Solemn League and Covenant. It was a document framed by one of the most respected clergymen in Britain and signed by political and ecclesiastical leaders. What is more, it appeared to have had the side-effect of diluting some of the strong Erastian sentiments of the parliamentary ordinance. The ordinance underlined the political cost the godly had to endure in order to reap some theological reform. The Solemn League and Covenant emphasized the theological cost that parliament had to pay, or was supposed to pay, in order to find some political aid from the Scottish army. And it gave the theologians of the assembly a constitutional text with paragraphs that they felt best equipped to interpret, defend and enforce.

VI. Conclusion

This paper has weighed against the tendency to dismiss the summoning ordinance as a merely preliminary document and, secondarily, the months prior to the arrival of the Scots commissioners and the signing of the Solemn League and Covenant as a liminal stage in the history of the assembly. In fact the summoning ordinance played – or, from the perspective of Fiennes and his colleagues, *should* have played – an important role in the continued functioning of the assembly. Nonetheless, it is equally true that the arrival of the Scots and their Covenant had an enormous shaping influence on the Assembly. It is fair to say that the Scottish commissioners as individuals did not impact the assembly more than the other leaders at the gathering, but they were leaders. They had experience with synods and assemblies where most English divines had none – quite likely Cornelius Burges spoke on behalf of all the assembly's Englishmen when he explained to John Campbell, first earl of Loudoun and Lord Chancellor of Scotland, that “assembly[es] with us are strange; a path not troden with us,” for which

he hoped that they “may be more excused”.⁹⁷ Furthermore, with Baillie’s letter writing, Henderson’s national profile and Gillespie and Rutherford’s many speeches, their sway in the assembly was very great. Nevertheless, while forming an impressive and usually harmonious group, the Scottish divines found their match and their betters in learning. Assembling the results of a century and a quarter of research, it appears that participation at the assembly added as much to the reputation of the Scottish commissioners as the commissioners added to the reputation of the assembly.

The Scottish commissioners may have made their greatest impact on the assembly in encouraging the divines in the abbey to take the Solemn League and Covenant seriously, even after signing and subscription fell out of fashion with Londoners. At times there were explicit speeches in defence of the covenant. At times the commissioners could circulate stories of the seriousness with which Scottish people observed the covenant, for they are the most likely source for Burges’s comments on the subject. But words were not essential. The mere presence of the commissioners on the bench to the right of the prolocutor and in front of the members of the House of Commons was in itself a reminder of the Covenant. And it was that Covenant, especially its opening articles on religious reformation and uniformity, that was the enduring Scottish contribution to the assembly. Textually, the Solemn League and Covenant bore many similarities to the Summoning ordinance and both had a continuing function in the assembly. But contextually, the Covenant functioned very differently: it was invoked more frequently, and both the assembly and parliament came to use it as a justification, indeed a warrant for the creation of new texts for the churches of Scotland and England. Surely Thomas Goodwin was right in saying that individual divines could and did generate different readings of the Covenant. But at the same time Seaman must also have had a point in recognizing that the text of the Covenant bore a meaning or evidenced a kind of authorial intention that

⁹⁷ *Minutes*, ii, 198r.

communicated a more radical spirit than the summoning ordinance. Either way, the Scots had provided a text that shaped the debates and activities of the assembly. It was not as if they needed it, but the Covenant did provide further material for the assembly to argue over as well as an additional device to argue with.

Perhaps this contribution was best understood by the members that left the assembly at the signing of the Covenant. There is always the chance that they did not like Scottish leagues and covenants or Scottish people. But their stated reason for leaving was that something in the Covenant forced them to deny their ordination vows to uphold the Thirty-nine Articles in a way that the original ordinance calling the assembly did not. Of course from one perspective, encouraging episcopalians to leave the assembly was a contribution of sorts. It may be that it was the combined weight of the Scottish divines and their covenant that tipped the scales toward a more radical reformation at the assembly. Certainly the Scottish commissioners cannot be separated from their text. But they need to be distinguished from it, and when they are, it seems that it was the Solemn League and Covenant that fuelled the fire for a largely English revolution in England, leading to the creation of the assembly's directories, Confession of Faith, and famous catechisms for Scotland.

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